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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : H.-H. Weil and O. Daab) Art Unit: To be assigned U.S. Appln. No. : To be assigned 1063 \$997) Examiner: To be assigned

Confirmation No.: To be assigned U.S. Filing Date: August 12, 2003

Title of Invention: SUSPENSION AEROSOL FORMULATIONS OF

PHARMACEUTICAL PRODUCTS

Attny. Docket No.: 3/334-6-C5

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

August 27, 2003

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

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1.97(b).

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §81.56 and 1.97, as more specifically described hereinbelow.

This Statement is being filed: i) within three (3) months of the filing

date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.
1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:
A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

The fee set forth in 37 C.F.R. §1.17(p).

		The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
	ent as s	1). This Statement is being filed after the period specified in 37 C.F.R. on or before payment of the issue fee. This Statement is accompanied by a ppecified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R.
	1.97(e).
	counte	Each item of information contained in the instant information disclosure tent was first cited in any communication from a foreign patent office in a appart foreign application not more than three (3) months prior to the filing of stant information disclosure statement; or
	foreig makin inforn §1.560	No item of information contained in the instant information disclosure tent was cited in a communication from a foreign patent office in a counterpart a application, and, to the knowledge of the person signing this certification after g reasonable inquiry, no item of information contained in the instant tation disclosure statement was known to any individual designated in 37 C.F.R. (c) more than three (3) months prior to the filing of the instant information sure statement.
		The fee set forth in 37 C.F.R. §1.17(p).
		The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
ounte n sect	rpart ap	d). Each item of information contained in the accompanying information tement was cited in a communication from a foreign patent office in a pplication, which communication was not received by any individual designated 6(c) more than thirty (30) days prior to the filing of the accompanying isclosure statement.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,

Mary-Ellen M. Devlin Attorney for Applicant(s)

Reg. No. 27,928

Patent Department Boehringer Ingelheim Corp. 900 Ridgebury Road P.O. Box 368 Ridgefield, CT. 06877 Tel.: (203) 798-4868

I hereby certify that this correspondence is being Deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

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On August 27.

By: Mary-Ellen M. Devlin Reg. No. 27/928

PTO/SB/08a (05-03) Approved for use through 05/31/2003. OMB 0651-0031
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HADEMEN OF THE PARTY OF THE PAR Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number Complete if Known stitute for form 1449A/PTO Application Number To be assigned Filing Date INFORMATION DISCLOSURE August 12, 2003 First Named Inventor STATEMENT BY APPLICANT H-H WEIL and O. DAAB Art Unit To be assigned Examiner Name To be assigned (Use as many sheets as nee Attorney Docket Number 3/334-6-C5 Sheet 1

OIPE AUG 2 9 2003

Examiner

Examiner Initials*	Cite No.1	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where
initials-		Number-Kind Code ^{2 (f known)}	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
		^{US-} 4,044,126	08/23/1977	P. B. Cook et al.	
		^{US-} 5,118,494	06/02/1992	R. K. Schultz et al.	
		^{US-} 5,653,962	08/05/1997	R. A. Akehurst et al.	
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		^{US-} 4,814,161	03/21/1989	P.A. Jinks et al.	
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		^{US-} 5,674,471	10/07/1997	Akehurst et al.	
		^{US-} 4,810,488	03/07/1989	P. A. Jinks	
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		^{US-} 6,153,173 A	11/28/2000	Sapsford and Savage	
		^{US-} 5,891,420	04/06/1999	A. J. Cutie	
		^{US-} 6,149,892	11/21/2000	I.L. Britto	
		US-			

	FOREIGN PATENT DOCUMENTS						
Examiner	Cite No.1	Foreign Patent Document	Publication Date	MM-DD-YYYY Applicant of Cited Document W	Pages, Columns, Lines,		
Initials*		Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY		Where Relevant Passeges or Relevant Figures Appear	T ^e	
	<u> </u>	WO 86/04233	07/31/1986	Riker Labs., Inc.			
		EP 0 247 608	12/02/1987	Richardson-Vicks, Inc.			
		GB 902,590	08/01/1962	Allied Chemical, Corp.		Г	
	[CA 2,075,058	08/04/1991	Boehringer Ingelheim International GmbH		Г	
	Ī	JP 55 131 096	12/1980			Г	

Signature	Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conform	nance with MPEP 609. Draw line through	citation if not in conformance a
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and no s of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3), 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the Instruction or instrument in required by 3 of VR1.194 (en 1498.). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 USR. 122 and 37 CFR 1.14. This collection is estimated by a Pours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case, Any comments on the amount of time you require to complete in an and/or supgestions for reducing this butter, should be sent to the Chef Information Officer, U.S. Patent and Chef Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 2231-31450, D0 NOT SRND FEES OR COMPLETED FORMS TO THIS ADDRESS. SRND TO: Commission for Parations, P.O. Box 1450, Alexandria, VA 2231-31450.

PTO/SB/08b/05-03)

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Attorney Docket Number 3/334-6-C5

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

m 1440B/DTO

Substituted

Complete if Known Application Number To be assigned Filing Date August 12, 2003 First Named Inventor H-H WEIL and O. DAAB Art Unit To be assigned Examiner Name To be assigned

(Use as many sheets as necessary) Sheet of

NON PATENT LITERATURE DOCUMENTS Examiner Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, Cite Initials* magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city No. and/or country where published. DU PONT: Fluorocarbon/Ozone: Alternatives to Fully Halogenated Chlorofluorocarbons: The Du Pont Development Program; March 1987 Research Disclosure, May 1989, Kenneth Mason Publications Ltd., ISSN 0374-4353 T. S. Johnson and H. Deger of Hoechst Celanese Corp., "Specialty fluoroaliphatic chemicals," a paper presented at Chemspec USA 1989, pages 61-63, a symposium highlighting innovation. manufacture and applications of specialty chemicals, held 10-11 October 1989. F.X. Fischer et al. "CFC Propellant Substitution: International Perspectives." Pharm. Technol.Inc.. 1989, 1(2), 16-18, .. Lachman et al., "The Theory of Practice of Industrial Pharmacy," Philadelphia, Ch. 20, p 590 and 603-604, 1986, Hoeschst Press Realease #7252, "Hoechst: Development of Alternatives to Fully Halogenated CFC's Takes Priority" October 25, 1989.

Examiner		Date	
Signature		Considered	l J

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

*EXAMINET: find an intertinate consistency, whether of not creation is in commande with MFEP 1096. Lives were through creation in on in commande and not a find that the commander of the creation is in a find that the creation is required by 37 CFR 1.8. The information is equired to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentially is governed by 39 U.S.C. 1/2 and 37 CFR 1.4. This collection is estimated to take 120 minutes to complete, including the commander of the confidence of the con gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent will reduce the Chief Information Officer, U.S. Patent Assault of the Chief Information Officer, U.S. Potent Standards, V.A. 2323-1450, D. ON OT SEND FEES OF ONE TET D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Complet il Known				
Application Number	To be assigned	_		
Filing Date	August 12, 2003			
First Named Inventor	HH. WEIL and O. Daab			
Art Unit	To be assigned			
Examiner Name	To be assigned			
Attorney Docket Number	3/334-6-C5			

Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where
Initials*	Cite No.1	Number-Kind Code ^{2 (FAnown)}	MM-DD-YYYY	Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	FOREIGN PATENT DOCUMENTS					
Examiner . Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	T ⁶
	-	Country Code ³ Number ⁴ Kind Code ⁵ (# known)			or Relevant Figures Appear	Н
	ļ	EP 0 384 371 A1	08/29/1990	Hoechst Aktiengesellschaft		
<u> </u>	L	EP 0 384 371 A1 (translation)	08/29/1990	Hoechst Aktiengesellschaft		
		EP 0 315 783	05/17/1989	Bayer AG		
		WO 91/11173	08/08/1991	Fisons PLC		
		DE 39 03 336 A1	08/09/1990	Bayer AG		П

Signature		Considered	
	Initial if reference considered, whether or not citation is in conformance with MPEP 609. Dr		
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